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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/816,154      | 04/01/2004  | W. Dan Hord III      | WEST/0005.D1        | 9033             |

7590 01/26/2005

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EXAMINER

DOUGLAS, STEVEN O

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3751

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/816,154 | <b>Applicant(s)</b><br>HORD ET AL. |  |
|                              | <b>Examiner</b><br>Steven O. Douglas | <b>Art Unit</b><br>3751            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8,10-12,14,15,18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Teel.

The Teel reference discloses gas distribution apparatus with associate manifold (40,22,23), extendable arms 13 and trailer structure 7. All functional and introductory statements of intended use have been considered but are deemed not to impose any structure on the claims distinguishable over the device which is further capable of distributing acetylene if desired.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-15,17,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haskett'682 et al. in view of Teel'360.

The Haskett et al. reference discloses a transportable distribution apparatus comprising a piping system (see manifold in Fig. 13), a valve 47, a pressure regulator 6, a platform 64 (i.e. trailer portion of the truck, see Fig 14), a skid structure (65,66), structure for connection at a point of use (proximate reference numeral 46), and structure for connection for refilling the system (proximate reference numeral 43). All functional and introductory statements of intended use have been considered but are deemed not to impose any structure on the claims distinguishable over the device which is further capable of distributing acetylene if desired. However, Haskett et al. does not disclose an extendable arm. The Teel reference discloses another transportable distribution apparatus having extendable arms 13 for facilitating distribution of gas and coupling at a point of use and for facilitating refilling the system and coupling to the refill source. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Haskett et al. device to have extendable arms associated therewith in view of the teachings of the Teel reference for facilitating distribution of gas and coupling at a point of use and for facilitating refilling the system and coupling to the refill source.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haskett et al. in view of Teel as applied to claim 11 above, and further in view of Miller et al.

The Haskett et al. reference discloses a gas distribution system (supra), but does not disclose a strainer. The Miller et al. reference discloses another gas distribution system that utilizes a filter or strainer 116 to remove impurities from the gas stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the Haskett et al. device to utilize a strainer in view of the teachings of the Miller et al. reference to filter out impurities in the associated gas feed lines.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haskett et al. in view of Teel as applied to claim 11 above, and further in view of Lange.

The Haskett et al. reference discloses a volatile fluid distribution system (supra), but does not a flash arrestor. The Lange reference discloses another volatile fluid distribution system having a flash arrestor 59 to prevent an inadvertent explosion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Haskett et al. device to utilize a flash arrestor in view of the teachings of the Lange reference to prevent an inadvertent explosion.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 8-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Claims 1-7 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

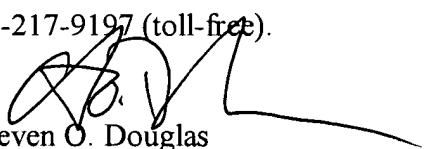
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is (571) 272-4885. The examiner can normally be reached on Mon-Thurs 6:00-6:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven O. Douglas  
Primary Examiner  
Art Unit 3751

SD  
1-24-05